

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

PUERTO RICO TOURISM COMPANY,

Plaintiff,

v.

PRICELINE.COM INCORPORATED,  
et al.,

Defendants.

Civil No. 3:14-cv-01318 (JAF)

**ORDER**

The Motion for Summary Judgment filed by the Defendants on May 15, 2015, (ECF No. 71), is DENIED.

The parties heatedly dispute the facts which shed light on the level of control the OTCs have over the hotels. Taking the facts in the light most favorable to the Company, a reasonable jury could determine that the OTCs exercise a level of control over the hotels that is sufficient to warrant a finding that they are “hoteliers”, either directly or as agents, under the Act.

Given that genuine issues of material fact exist surrounding the level of control that the OTCs have, only a jury will be able to make a final determination of that issue. A formal written opinion will follow.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, this 26th day of August, 2015.

S/José Antonio Fusté  
JOSE ANTONIO FUSTE  
U. S. DISTRICT JUDGE